

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MATTHEW KEITH EUGENE
KNOOP and KALEB HORATIO MOORE,
Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

BROOKE ANN SHERROD,

Respondent-Appellant.

UNPUBLISHED

May 28, 2009

No. 288484

Oakland Circuit Court

Family Division

LC No. 07-732143-NA

Before: Jansen, P.J., and Hoekstra and Markey, JJ.

PER CURIAM.

Respondent appeals by right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(c)(i), (g), and (j). We affirm.

Respondent pleaded no contest to the allegations of a petition seeking the termination of her parental rights to Kaleb, who was born during the pendency of proceedings in the lower court, and waived a contested hearing on the statutory basis for termination of her parental rights to this child. Here, respondent challenges the sufficiency of the evidence to establish a statutory basis for termination of her parental rights to Matthew only. The trial court did not clearly err by finding at least one statutory ground for termination of respondent's parental rights to the minor child Matthew was established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

The primary conditions of adjudication were respondent's placing Matthew for the four years preceding the petition with persons having an extensive history of child abuse and neglect, respondent's own homelessness, drug use, and lack of employment. More generally, the conditions of adjudication reflected respondent's poor judgment and instability. At the time of the termination trial, respondent was again unemployed, had been terminated from counseling for noncompliance, and had missed a number of drug screens. Her compliance with the parent-agency agreement was described as partial with slow progress. She would comply, stop complying, and then start again. Some five months after the initial dispositional hearing and seven months after this matter commenced, respondent continued to demonstrate poor judgment with respect to her children. She brought Matthew to visit his father, Matthew Knoop, contrary

to court order. She also brought Tyler, one of her children not involved in this appeal, to Mr. Knoop's home. People there were drinking, there was marijuana was present. While there, Mr. Knoop shot himself while playing Russian roulette; Tyler witnessed the aftermath of these events.¹ After the shooting, Tyler also accompanied respondent to the hospital, and he was there when the fatally injured Mr. Knoop was removed from life support. Respondent did not even advise Tyler's guardian that he has been exposed to this horrific event until a day later. Respondent had moved three times in the last one and one half years, and she had three jobs in the same time period, each for a short time. She is dependent on Mr. Moore, Kaleb's father, for housing, transportation, and financial support. Although she testified that she had completed counseling, no other evidence established this fact.

Furthermore, the trial court did not clearly err by finding that termination was in the best interests of the two children, Matthew and Kaleb. MCL 712A.19b(5). Matthew, seven and a half at the time of termination, did not remember living with respondent mother. Kaleb, now one year of age, was in the care of respondent mother for approximately five weeks. Respondent mother's history at the inception of this case of leaving Matthew with inappropriate caregivers while accompanying her boyfriend in cross-country truck trips reflected an instability and inconsistency, as well as profoundly poor judgment, that continued to manifest throughout this case. Respondent has not demonstrated consistency in housing or employment, missed a number of drug screens, with a missed screen and a diluted screen shortly before the best interests hearing, and remains dependent on Mr. Moore for housing, transportation, and financial support. The record supplied no reason to believe that respondent's pattern of instability would change in the foreseeable future. Under these circumstances, the trial court did not clearly err by finding that termination of respondent's parental rights was in the best interests of the two minor children.

We affirm.

/s/ Kathleen Jansen
/s/ Joel P. Hoekstra
/s/ Jane E. Markey

¹ At the commencement of these proceedings, Tyler was in the care of his paternal grandmother, Julia Buchanan, pursuant to a guardianship. At some time after the November shooting incident, a petition was filed concerning Tyler, and it appears he was placed under court jurisdiction pursuant to a plea of no contest offered by his guardian.